

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMANDA M. RIEDER,	)	
	)	
Plaintiff	)	
	)	
v.	)	Case No. 1:11-cv-00168- Erie
	)	
DJO, LLC et al.,	)	
	)	
Defendant	)	
	)	

MEMORANDUM ORDER

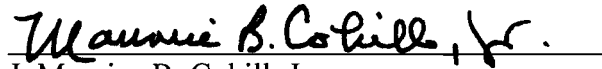
Defendants McKinley Medical, LLC, The Broe Companies, Inc., and Pat Broe (“Defendants”) have filed a Stipulation for Dismissal pursuant to Fed. R. Civ. P. 41 [ECF #63]. Defendants request that Plaintiff’s claims against them be dismissed with prejudice.

Under 42 Pa. C.S.A. § 8327:

A release by the injured person of one joint tort-feasor does not relieve him from liability to make contribution to another tort-feasor, unless the release is given before the right of the other tort-feasor to secure a money judgment for contribution has accrued and provides for a reduction to the extent of the pro rata share of the released tort-feasor of the injured person’s damages recoverable against all the other tort-feasors.

Because Pennsylvania’s comparative negligence laws are applicable to this case, (See Shuder v. McDonald’s Corp., 859 F.2d 266, 268 (3<sup>rd</sup> Cir. 1988), we find that all alleged joint tort-feasors should remain as active parties in the litigation and that removal of any Defendants at this time would be premature.

AND NOW, this 26th day of March, 2012, it is hereby ORDERED, ADJUDGED and DECREED that the “Stipulation for Dismissal with Prejudice of Defendants McKinley Medical, LLC, The Broe Companies, Inc. and Pat Broe Only” [ECF #63] is DENIED WITHOUT PREJUDICE.

  
J. Maurice B. Cohill, Jr.  
Senior District Court Judge